

MAY 10 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

INVESTEC MANAGEMENT
COMPANY,

Plaintiff - Appellant,

v.

AMERICAN ECONOMY INSURANCE
COMPANY; et al.,

Defendants - Appellees.

No. 03-56367

D.C. No. CV-02-00880-DOC

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted May 5, 2005^{**}
Pasadena, California

Before: PREGERSON, FISHER, and BYBEE, Circuit Judges.

Investec Management Company (“Investec”) brings an insurance bad faith
action against its insurer, American Economy Insurance Company, American

^{*} This disposition is not appropriate for publication and may not be cited
to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

States insurance Company, and Safeco Corporation (“Safeco”). The district court granted summary judgment to Safeco after Investec failed to file a timely opposition to Safeco’s summary judgment motion. The court later denied Investec’s Federal Rule of Civil Procedure 60(b)(1) motion for relief from the court’s grant of summary judgment. Investec now appeals the denial of its Rule 60(b) motion. Safeco did not oppose Investec’s Rule 60(b) motion below and does not oppose this appeal. In light of Safeco’s nonopposition, we reverse the district court’s judgment on the Rule 60(b) motion and remand for determination of the summary judgment motion on the merits.

REVERSED and REMANDED.